

**PLACER COUNTY SUPERIOR COURT
THURSDAY, CIVIL LAW AND MOTION
DEPARTMENT 42
THE HONORABLE CHARLES D. WACHOB
TENTATIVE RULINGS FOR JUNE 17, 2021 AT 8:30 A.M.**

**PLEASE NOTE THAT ANY ORAL ARGUMENT REQUESTED WILL BE HEARD ON
THURSDAY, JUNE 24, 2021 AT 8:30 A.M. IN DEPARTMENT 42.**

These are the tentative rulings for the **THURSDAY, JUNE 17, 2021 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, JUNE 16, 2021**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

**NOTE: TELEPHONIC APPEARANCES ARE STRONGLY ENCOURAGED
FOR CIVIL LAW AND MOTION MATTERS. (PLACER COURT EMERGENCY
LOCAL RULE 10.28.)** More information is available at the court's website:
www.placer.courts.ca.gov.

Except as otherwise noted, these tentative rulings are issued by the **HONORABLE CHARLES D. WACHOB**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 42** located at 10820 Justice Center Drive, Roseville, California.

1. M-CV-0077088 BECHHOLD, JERRY v. PLACER COUNTY

Defendant's Motion for Summary Judgment

Ruling on Request for Judicial Notice

Defendant's request for judicial notice is granted under Evidence Code section 452.

Ruling on Objections

Defendant's objections nos. 1 and 2 are sustained.

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Ruling on Motion

The motion is granted. The trial court shall grant a motion for summary judgment if “all of the papers submitted show that there is no triable issue as to any material fact and the moving party is entitled to a judgment as a matter of law. (Code of Civil Procedure section 437c(c).) In reviewing a motion for summary judgment or summary adjudication, the trial court must view the supporting evidence, and inferences drawn from the evidence, in the light most favorable to the opposing party. (*Aguilar v. Atlantic Richfield Company* (2001) 25 Cal.4th 826, 843.) The court understands that plaintiff is self-represented and thus may be hampered in attempting to defend the motion. However, self-represented litigants are held to the same standards and procedural rules as parties represented by counsel. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985; *Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543.)

In this instance, defendant has submitted sufficient evidence to meet its initial burden. Defendant submits evidence showing plaintiff did not have an active parking permit from the United States Department of Agriculture - Forest Service (USDA-FS) to park in the area of the collision on March 18, 2020. Plaintiff obtained an amendment to his permit from the USDA-FS on January 28, 2008, which allowed plaintiff to “park completely off of the Foresthill Road roadway, on the apron of the 0088-13 Roach or Mitchell Mine Road.” (Defendant’s Evidence Appendix, Exhibit 8.) This amended permit expired on December 31, 2015 after plaintiff failed to submit a new application and fee. (Ibid.) Plaintiff ultimately submitted a new permit application on March 16, 2016, however, this new application did not include the prior amended language allowing for plaintiff to park on the apron of 0088-13 Road or Mitchell Mine Road. (Ibid.) As a result, the new permit plaintiff paid for on April 7, 2016 did not allow for parking on the apron as previously authorized in the January 28, 2008 amended permit. (Ibid.) This evidence is sufficient to show plaintiff was not authorized to park in the area of the collision, shifting the burden to plaintiff to establish a triable issue of material fact.

Plaintiff has failed to meet his burden here. The admissible evidence does not sufficiently establish a triable issue of material fact. Plaintiff does not sufficiently show that the permit in effect at the time of the collision allowed for

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him to park his vehicle in the area where the collision occurred. For these reasons, the motion is granted.

2. S-CV-0039754 WONG-SING, DORIS v. KAI, C.K.

Referee Kevin Singer's Motion for Approval of Final Report and Accounting

The referee's final report and accounting is hereby approved, and all activities of the referee Kevin Singer in connection with the administration of the partition sale as described in the appointing order, entered on September 10, 2018, and in its application are hereby confirmed and approved, and the referee is authorized to pay all allowed expenses, including all allowed referee's fees and expenses.

Fees in the amount of \$72,808.50 and expenses in the amount of \$1,430.67 are hereby allowed and approved.

The referee is authorized to distribute the remaining funds as follows:

Referee Kevin Singer for Referee Outstanding Balance:	\$5,043.50
Plaintiff Doris Yin Mei Wong-Sing:	\$16,102.77
Plaintiff Godfrey Leung :	\$16,102.77
Plaintiff Consuelo Tycangco Tse, as Trustee of the Tse Family Trust dated May 18, 2000:	\$32,720.94
Plaintiff Priscilla Tycangco Enrile Lao, as Trustee of the Priscilla Tycangco Enrile Lao Trust U.D.T. dated November 28, 2005:	\$26,777.85
Plaintiff Priscilla Tycangco Enrile Lao, as an individual:	\$55,922.75

The referee Kevin Singer is discharged, and the referee, his deputies, members, officers, agents, employees, attorneys, and representatives are hereby discharged and released from any and all claims and liabilities that were asserted and/or could have been asserted in connection with their administration under the appointment order.

The referee's bond is exonerated.

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- 3. S-CV-0043886 DUMONT, RICHARD v. WILLIAMS, JIMMY**

Plaintiffs' Motion for Leave to File Supplemental Complaint

The motion is granted under Code of Civil Procedure sections 464 and 473. Plaintiffs' supplemental complaint shall be filed and served by July 9, 2021.

- 4. S-CV-0044620 CAMARILLO, AUSTIN v. NISSAN NA**

Plaintiff's motion to compel deposition attendance and production of documents by Future Nissan of Folsom dealership personnel and plaintiff's motion to compel deposition attendance and production of documents by Future Nissan of Roseville dealership personnel are dropped from the calendar at the request of the moving party.

- 5. S-CV-0045106 ACOSTA, AUDREY v. AUGILAR, WESTLIE**

Petition for Approval of Minor's Claim for Giancarlo Acosta-Keon

The petition is granted as prayed. After careful consideration of the petition and supporting attachments, the court finds the settlement is in the best interest of the minor. (Probate Code sections 2504, 3500; Code of Civil Procedure section 372; *Pearson v. Superior Court (Nicholson)* (2012) 202 Cal.App.4th 1333, 1337.) If oral argument is requested, the appearance of the minor at the hearing is waived.

- 6. S-CV-0045996 MARDEN, DANIEL v. CVS PHARMACY**

Plaintiff's Motion for Order Dismissing Action

The motion is granted. (California Rules of Court, Rule 3.770.) The class action complaint, filed on December 23, 2020, is dismissed without prejudice with no further notice required to the putative class members. (Ibid.)

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7. S-CV-0046690 QUIXSILVER ENG ARCH SOLUTIONS v. UNKNOWN

Petition to Compel Arbitration

Initially, the court notes the parties concede the matter should proceed to arbitration. In light of the consensus between the parties on this issue, the court orders the parties to participate in arbitration under Code of Civil Procedure section 1281.2.

The dispute here involves the appointment of the arbitrator, which the parties cannot agree upon. The court orders the parties to meet and confer in earnest to resolve the dispute. If the parties are still unable to reach an agreement on an arbitrator, each party shall submit the list of five names to the court and the court shall appoint the arbitrator from the names provided by the parties. The supplemental declarations identifying the names of five potential arbitrators shall be filed and served by July 9, 2021.